

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT HUNTINGTON**

**UNITED STATES OF AMERICA**

**v.**

**CASE NO: 3:11-00074-01**

**BASIM ALI TALOUZI**

**DEFENDANT'S SENTENCING MEMORANDUM**

Comes now the defendant, Basim Ali Talouzi, by and through counsel, Tim C. Carrico, Esq., for the defendant's sentencing memorandum. Mr. Talouzi does not object to the Probation Officer's calculation of his offense level or criminal history score for his advisory Federal Sentencing Guidelines range. Mr. Talouzi is requesting a variance sentence based on the factors enumerated under 18 U.S.C. § 3553(a),

**II.**

**18 U.S.C. § 3553(a) factors**

Mr. Talouzi requests the Court to consider the following as relevant to the factors under 18 U.S.C. § 3553(a) in support of his request for a variance.

Mr. Talouzi completely cooperated with law enforcement officers immediately after his arrest. He actively attempted to assist the government as to their continued investigation . However, his attempt to provide substantial assistance to the government was stopped as a result of the Magistrate detaining him sue sponte.

Mr. Talouzi then timely executed a written plea agreement with United States thereby relieving the government of having to go to trial on the indictment in 3:11-00074-01. In addition, Mr. Talouzi, timely admitted to violating his supervised release under criminal

action 5:98CR00173-01

Mr. Talouzi requests the Court to consider imposing sentences that would allow him to serve his sentence for violating supervised release (5:98CR00173-01) and his sentence in 3:11-00074-01 completely concurrently. In support this request, Mr. Talouzi asserts that it was the exact same conduct supporting the basis for both his supervised release violation and recent conviction.

Importantly, under 5:98-CR-00173, Mr. Talouzi was convicted of distribution of cocaine base. He received a sentence of 120 months under the 1988 Edition of the Guidelines Manual.

According to his presentence investigation report, his offense and relevant conduct involved 50.9 grams of cocaine base, 47.22 grams of cocaine powder, and 196 grams of marijuana. He was sentenced on April 22, 2000. His sentence was driven by the cocaine base. These amounts were converted to marijuana equivalency of 1,027.63 kg resulting in an offense level of 32. His criminal history category was II.

However, at his sentencing hearing, the Court reduced his offense level to 30 because of some issues as to the cocaine base amount. The offense level 30 related to a cocaine base amount of 35 to 50. Mr. Talouzi's corresponding guideline range was 108 to 135.

Interestingly, if Mr. Talousi was sentenced to today for the same conduct under 5:98-CR-00173-01, his sentence would be drastically less. Between 35 to 50 grams of cocaine base would translate to between 630 grams of cocaine and 900 grams of cocaine under the fair sentencing act. Accordingly, his offense level would not be 30. Rather, it likely would be level 26 or 24. At a criminal history category of II, his corresponding guideline range today would be 70 to 87 months, or 57 to 71 months without acceptance of responsibility.

Importantly, Mr. Talouzi has already served approximately ten years on indictment 5:98-CR-00173-01. He has served significantly more time for this offense than he would otherwise receive for the same offense today. For these reasons, Mr. Talouzi asserts that completely concurrent sentences would be appropriate in this case.

In conclusion, the factors under 18 U.S.C. § 3553(a) warrant a variance of sentence for Mr. Talouzi.

**RESPECTFULLY SUBMITTED,**

**Basim Talouzi**  
**By Counsel,**

**s/Tim Carrico**

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**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and accurate copy of the foregoing  
“**Defendant’s Sentencing Memorandum**” was served this 1st day of August 2011, via  
E-Filing to the following:

Michael Hissam  
Assistant U. S. Attorney  
P. O. Box 1713  
Charleston, WV 25326

**s/Tim C. Carrico**  
**TIM C. CARRICO (WVSB #6771)**